IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE SEVENTEENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION No: 21824 of 2004

Between:

Pelluru Sathis Babu S/o.Srinivasulu Naidu
R/o.Plot No.66, SBI Colony, Nellore.

..... PETITIONER

AND

1 The Managing Director A.P. Industrial Infrastructure Corporation Ltd., // 5-9-58/B, 6th Floor Parisrama Bhavanam, Fateh Maidan Road, Hyderabad.
2 The Zonal Manager A.P.Industrial Infrastructure Corp. Ltd., Nellore
3 The District Collector , Nellore.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue writ, order or direction more particularly one in the nature of writ of Mandamus declaring the action of the respondents in not allotting the Plot No.B-9 situated in NI Estate APIIC Nellore in pursuance of the application Dt.4.3.2004 by the Petitioner is as illegal, arbitrary, irrational and violation of Art.14 of Constitution of India and consequently direct the respondents to allot the plot after considering the application made by the petitioner and to pass such other order or orders.

Counsel for the Petitioner: MR.S.LAKSHMINARAYANA REDDY

Counsel for the Respondent Nos. 1 and 2:MR I.MADAN MOHAN RAO

Counsel for the Respondent No.3: GP FOR REVENUE

The Court made the following:

ORDER:

This writ petition is filed to issue a writ of Mandamus declaring the action of the respondents in not allotting the plot No.B-9 situated in N.I. Estate APIIC, Nellore in pursuance of the application of the petitioner dated 04.03.2004, as illegal and arbitrary.

Learned counsel for the petitioner vehemently contended that as the Plot No.B-9 is found to be vacant, as a displaced person, the petitioner is entitled for allotment of the said plot.

On the other hand, the learned Standing Counsel for the respondents contended that the petitioner has not submitted any project report of financial resources along with his application for allotment of the plot in question to him as a displaced person and therefore, the writ petition is devoid of merits and the same is liable to be dismissed.

As per the rules of the respondent-Corporation, a notification has to be issued calling for applications for allotment of plots. Admittedly no such notification is issued in respect of plot No.B-9 situated in NI Estate, APIIC Limited, Nellore. As a displaced person, the petitioner cannot have any right, whatsoever, to ask for allotment of the plot even if a notification is called for. He can only participate in the auction and as per the rules, the respondent-corporation can allot the plot in question to the highest bidder in the auction. Simply by submitting an application to the respondents he cannot ask for allotment of the plot in question as a matter of right and the respondents need not pass any orders on that application even before the notification, as required under the rules, is issued for allotment of the plots.

Hence the writ petition is totally devoid of merits and the same is accordingly dismissed at the stage of admission. No costs.

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K.C.BHANU, J

Dated : 17th December, 2004.

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To

1 The Managing Director A.P. Industrial Infrastructure Corporation Ltd., // 5-9-58/B, 6th Floor Parisrama Bhavanam, Fateh Maidan Road, Hyderabad.

2 The Zonal Manager A.P. Industrial Infrastructure Corp. Ltd., Nellore.
3 The District Collector, Nellore.

4 2 CCs to the G.P. for Revenue, High Court of A.P., Hyderabad, (OUT).

5 2 CD copies.